

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 09-67671

TURCHAN TECHNOLOGIES GROUP, INC.,

Chapter 11

Debtor.

Judge Thomas J. Tucker

ORDER DENYING MOTION FOR RECONSIDERATION

This case is before the Court on the motion entitled “Motion for Reconsideration of Order Denying Debtor's Motion to Approve Compromise of Claims Filed by Concentric Diamond Burs Ltd., Allan Magneson and Gary Necula,” filed on March 3, 2010 (Docket # 178, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the February 18, 2010 order entitled “Order Denying Debtor's Motion to Approve Compromise of Claims” (Docket # 173), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court also finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court notes the following. First, the Movants (Diamond Burs Ltd., Allan Magneson and Gary Necula) lack standing to seek reconsideration of the Order denying the *Debtor's* motion to approve the settlement. Only the Debtor had standing to file a motion for approval of the compromise, under Fed.R.Bankr.P. 9019(a). It follows that only the Debtor

would have standing to seek reconsideration of the order denying that motion. Debtor did not file such a motion for reconsideration.

Second, even if the Movants had the requisite standing, the Motion neither alleges, nor demonstrates with any evidence, any good excuse why the Movants did not appear at the February 17, 2010 hearing on Debtor's settlement motion, and present to the Court the arguments and facts they now present in their motion for reconsideration.

Third, the Motion does not present any evidence that the Movants did not actually know of the January 5, 2010 deadline for filing a proof of claim, before that deadline passed.

Fourth, the denial of this Motion, and the denial of the Debtor's settlement motion, do not preclude the Debtor from filing a new motion to approve the settlement, *if and after* the Court grants Movant's "Motion to Allow a Late-Filed Proof of Claim [etc.]," filed March 3, 2010 (Docket # 179). (Objections to that motion are due to be filed no later than March 22, 2010.)

NOW, THEREFORE,

IT IS ORDERED that the Motion (Docket # 178) should be, and is, DENIED.

Signed on March 08, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge